

REMARKS

Applicants appreciate the courtesies extended to their representative, Allan A. Fanucci, by Examiner Anthony Weier during a telephone interview on October 24, 2006. The comments appearing herein are essentially the same as those presented and discussed with the Examiner during the interview.

Claims 1, 3-9 and 21-31, as amended, appear in this application for the Examiner's review and consideration.

Claims 22-23 were rejected under the second paragraph of 35 USC 112 as being indefinite. In response, applicants have amended claim 22 to recite that the dispensation system further comprises first and second connection means respectively associated with the fitments, with the first and second connection means being in fluid association with an addition chamber that is adapted to deliver the beverage product. Claim 23 was also amended to recite that each of the first and second connection means includes a gland of the push-and-lock type. Support for these changes appears in the specification at paragraph [0069] and in Figure 1 so that no new matter has been introduced. It is respectfully submitted that these changes overcome the rejection.

Claims 1, 3-9 and 21-31 were rejected under the first paragraph of 35 USC 112, with the Examiner noting that the specification does not provide support for the base concentrate and aroma having both a "physical and chemical stability." Although this is clear from the overall teachings of the specification, to expedite prosecution, applicants have amended this term to "storage stability" as expressly supported by paragraph [0052] of the specification.

Regarding the comment that stable components of other than coffee concentrate and coffee aroma are not supported by the specification, applicants note that paragraph [0038] clearly discloses a number of beverages that are well known to skilled artisans. Also, paragraph [0023] recites that the dispensation system provides a beverage product from a removable multi-component packing assembly configured and designed for storing at least two different components in separate compartments, wherein the components are capable of forming the beverage after being combined. Again, a skilled artisan is well aware of beverage forming components that are used to prepare the various beverages disclosed in this application, including coffee-based, coffee-flavored, or mocha-flavored beverages; carbonated beverages such as soda, cola, flavored seltzer, or the like; juice beverages; tea beverages; other types of flavored

beverages; or creamy beverages, including milk-based or non-dairy creamer-based fats or components. Accordingly, this rejection has been overcome and should be withdrawn.

For completeness, applicants note that paragraph [0038] has been amended to include tea as one of the beverages that can be made and dispensed according to the invention. Support for this edit can be found in claim 5 as originally filed as well as in claim 14 of the parent application, now US patent 6,756,069. The recitations in these claims finds support in the originally filed application that matured as the '069 patent, so that there is no issue of new matter. Also, paragraph [0069] was amended to correct an error of a typographical nature. Support for this change appears in Figure 1 as originally filed, so that there again is no issue of new matter in making this change.

In view of the above, the entire application is believed to be in condition for allowance, early notification of such would be appreciated. Should the Examiner not agree, a personal or telephonic interview is respectfully requested to discuss any remaining issues in order to expedite the eventual allowance of the claims.

Respectfully submitted,

Date

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Allan A. Fanucci, Reg. No. 30,256

WINSTON & STRAWN LLP
Customer No. 28765
212-294-3311